



City Council Minutes  
The City of Cortland  
July 1, 2008

Council Meeting #11  
July 1, 2008  
Regular Session  
City Hall  
7:00 PM

Present: Alderman VanGorder, Benedict, Dye, Tobin, Quail, Feiszli,  
Hamilton and Michales

Staff Present: Director of Administration and Finance Andrew J. Damiano,  
Corporation Counsel Lawrence Knickerbocker and  
City Clerk John O. Reagan

Deputy Mayor VanGorder calls the eleventh Common Council meeting of the year to order at 7:00 PM.

PLEDGE OF ALLEGIANCE

PUBLIC COMMENT

Vivian Bosch was present to share thoughts and opinions on the rental permit program. People in that area are concerned about the enforcement of the three unrelated law. She noted that this should be enforced before this is given up on in favor of square footage per person. She did a poll in her area and no one was in favor of the square footage per person proposal versus the three unrelated definition. Student housing should be required to provide a parking space for each student with greenspace provided in the front. The College should be urged to provide more student housing on campus. She went on to describe the neighborhood demographics in the college area. She referred to congestion and her support for the rental permit program and the three unrelated law enforcement. She is not in favor of the square footage system. Director of Administration and Finance Andrew J. Damiano noted that this survey that she conducted was not a scientific survey, but provided valid information.

Minutes of June 17, 2008

**RESOLUTION #72** OF 2008 – Approve the minutes of June 17, 2008 as amended.

By: Alderman Feiszli  
Seconded: Alderman Quail

Approved:                      Ayes – 8  
   Nays – 0

Bills were reviewed and received.

Alderman VanGorder noted that she had reviewed everything with Mayor Gallagher. She noted a pool liner had been put into the refurbished Courthouse Park fountain.

### Mayor's Report

He met with SUNY President Erik Bitterbaum and his staff. There are some cooperative opportunities for grants that fit in with our Downtown Revitalization Program. SUNY Cortland will continue their dialogue with the City and the Downtown Partnership Program to pursue these opportunities. He met with the Cable Commission, a representative from the PSC and Time Warner. The Cable Commission is finalizing their concerns and hopefully within the next two months we will have a franchise agreement. He attended the Business After Hours at Cortland Eye Center. He also made a presentation to the Chamber of Commerce Board of Directors. He met with Pamela Mann of GO21 to discuss the on-going proposals for freight and passenger service from New York, Binghamton, Syracuse and Cortland. He also attended the United Way annual meeting.

He met with representatives from the DEC in Syracuse to discuss the reason for the delay in cleaning up the Rosen site. After a lengthy discussion, they have agreed, because the money has already been earmarked for this project, to allow C&S Engineers to begin the clean-up in July. He provided the opening remarks for the Relay for Life Cancer Walk. He met with Jeff Gambetta to discuss the possibility of him joining the Planning Commission. He attended the SUNY Cortland College Council meeting. He also attended the luncheon for Sergeant Bill Carpenter who has retired from the Police Department and will be moving with his family to the Long Island area. He attended the FEMA Flood Map presentation for Cortland County. Members of the Common Council that also attended will discuss this.

He noted that the traffic pole situation on Groton Avenue and Graham Avenue is being reconstructed. Chief Nichols and his staff have been meeting regularly with Marietta Corporation to discuss the truck traffic problems in the Hubbard Street, Pendleton Street and Dio Way. They have put out a pamphlet to the truckers. I have enclosed a copy for the Council. Discussions are continuing. He met with a developer who has some interest in the Rosen site. Enclosed in your packet is a letter from Jim Place regarding brush pick up. I would recommend we put it on the agenda for discussion at the next meeting.

Corporation Counsel Knickerbocker discussed the letter from Jim Place. In order for the City to limit their liability for damages caused by potholes, he is suggesting that the City delay the pick up of brush and lawn debris so that the DPW can devote more time to

pothole repair. The brush pickup takes about one (1) week or more per month. Corporation Counsel Knickerbocker suggested that a discussion of this be placed on the agenda for July 15, 2008 with the thought that it would give the constituents in the City a full month to comment. The thought would be to delay pickup for a month or more, and to see if this would impact the property owners and also the number of complaints received regarding pothole damages. Alderman Quail noted that time is of the essence in this matter. He was concerned about waiting another two (2) weeks. Director of Administration and Finance Andrew J. Damiano noted that property owners have already placed brush on the streets for pickup. Alderman Michales asked if Chris Bistocchi could come to the next Council meeting to give his opinion on this.

#### Ward 1 – Alderman VanGorder

She attended a conference with Senator Seward and he announced a \$250,000 award to the City towards our feasibility study and final design on the Fire Station. Alderman Feiszli noted that she hadn't seen a final design.

Director of Administration and Finance Andrew J. Damiano asked to speak. He noted within a few weeks, the engineer, Bob Mitchell, will make a presentation on the preliminary report and recommendations and an estimate for probable cost for a new fire station. It will be a preliminary design, without full-blown specs. It will be very basic. Only \$45,000 was appropriated to pay for this report. At the point if this Council opts to proceed or not on the recommendation of that architect, as a result of this study they will need a full blown design of the building based upon his recommendations. The \$250,000 will be used to pay for that or engineering, architectural and/or historical preservation. The City has asked every representative for some funding for this as far back as three or more years and this has just been received. Senator Seward should be thanked for this grant.

Alderman VanGorder noted that Cortlandville also received a \$250,000 award for the Cortlandville Park to finish the pavilion and bathrooms. She has also received comments regarding the new FEMA flood maps. People are not happy. She and Alderman Benedict are planning a combined Ward meeting with the 1<sup>st</sup>, 2<sup>nd</sup>, 3<sup>rd</sup> and 6<sup>th</sup> Wards on Wednesday, July 9 at 7:00 PM at the Birch Building at Suggett Park. She also had a call from one of the towing companies regarding the towing fees. She has spoken with the Mayor who is working with the Police Department to possibly adjust these fees. Someone will be coming before the Council to inform them and any changes will have to be approved by the Council. She has spoken with the Code Office on some code issues she has contacted them on.

#### Ward 2 – Alderman Benedict

He attended the FEMA session for the City, Town and County and the FEMA session for the general public. There was quite a difference between the two presentations. No one mentioned at the public meeting that the map could be appealed with engineering data within ninety (90) days. There was also no mention of the protect period that

requires less data. The public meeting seemed only to let the public know if their property was in a different flood zone or not. Apparently quite a few people change flood zones especially between Otter Creek and Dry Creek and needed flood insurance now.

There will be a combined Ward meeting on July 9 at 7:00PM. The meeting will be in the Birch Building at Suggett Park and the 1<sup>st</sup>, 2<sup>nd</sup>, 3<sup>rd</sup> and 6<sup>th</sup> Wards will have representatives there as well as the County. Alderman Feiszli will be there because she has worked on flooding issues with the County for sometime and some in her Ward are concerned as well. This could be called a work session due to the open meeting law. We will start off with the plans that will prevent flooding, i.e., the dam, stream improvement and we also have some engineers from C & S Engineers and maybe FEMA and the DEC. Right now because it's the week before July 4, many are on vacation, but he will try to reach them on Monday. He has a FEMA map that he received from the Mayor, which will be available at the meeting so property owners can check to see if they are in the flood zone.

He attended the Cortland High School graduation and the Cortland Planning Commission meeting. He received a call about 106 Maple Street having trash in the back yard and they aren't mowing the back yard, as well. Part of the problem is that there are a lot of stones back there. Someone has gone in a weed whacked, so this will continue to be a problem. He asked if this boarded up building could be condemned and noted that there is an odor problem there, also. Director of Administration and Finance Damiano referred the question to Corporation Counsel Knickerbocker. Corporation Counsel Knickerbocker noted that if it was the property he was thinking of, there was a private mortgage on the property and their taxes were current. The City had tried to get the mortgage holder to transfer his interest in the property to the City and to let the City foreclose it as a mortgagee and then perhaps turn it over to Habitat for Humanity or sold somehow. Those discussions turned out to be fruitless. It is now his understanding that someone else has now purchased the mortgage interest with the intention of foreclosing on that. That is the last that he has heard. Alderman Benedict noted it was a real concern.

He handed out brochures that he picked up at the Brockway presentation. The Brockway Truck Show will be on Saturday, August 9, 2008.

#### Ward 3 – Alderman Dye

He attended the FEMA presentation to the City and County on the revised flood maps. He reviewed the process that the City will have to follow in order to implement and approve the maps for the new flood designations so the residents of Cortland can continue to and the new designees can receive flood insurance. He received a number of e-mails regarding the new 7<sup>th</sup> Ward Special election. He talked to a resident on Stevenson Street regarding the new building codes. This resident was against the square footage proposal to determine the number of people a building could house. He also talked to four (4) or five (5) people regarding the new flood zone and he told them

that the City would be holding special meetings soon to explain what the process will be.

#### Ward 4 – Alderman Tobin

He received a couple of issues regarding tree removal which he forwarded to Director of Administration and Finance Damiano. He also received complaints about potholes which he forwarded to Chris Bistocchi. He attended Senator Seward's announcement this morning. He noted that there is a housing committee meeting with Alderman Benedict and several others who have been participating. He noted that they should have an opportunity to speak directly with Mr. Cheney. Corporation Counsel Knickerbocker got in touch with Cheney and Blair and got a copy of their response to comments suggested from the last housing meeting. He felt that they were starting to see some fruitful discussions and hoped for progress in terms of what we think would be a good recommendation for the rental proposal. He will answer questions regarding the code and the rental proposal directly to you tomorrow.

#### Ward 5 – Alderman Quail

He participated in the Relay for Life. He is also working with Work Experience a program helping the unemployed. He has worked on a couple of code issues in his Ward. He also received a couple of emails on the topic of square footage and the fact that it will not address the density issue.

#### Ward 6 – Alderman Feiszli

She will be participating in the joint Ward meeting scheduled July 9 in the Birch Building at Suggett Park. She thanked Alderman Benedict for organizing that. She has received several calls regarding dogs at Yaman Park. She thanked the Amiee Milks of the Cortland Standard for her article regarding this. She received a list of the incident responses from the Fire Department made to tax exempt properties last year. She thanked Vince Minella for the many hours spent preparing this information. It gives insight into the types of calls received by the Fire Department. She asked the Council to review this information for future discussion.

She continues to research City vehicle use by employees and the lack of any formal policy within the departments. She asked that this be placed on discussion for policies by department regarding policy for use of City vehicles on the agenda for the July 15 Council meeting. She reminded the Councilors that a work session will take place at the July 15 meeting at 5:30PM to discuss ways that the City can go green to help save resources and reduce waste. She attended the meeting with the FEMA representatives last week. She would like to request that this be added on the agenda for discussion. She has been receiving calls of concern about the additional flood zone areas in the City. She asked Director of Administration and Finance for an outline of the departmental policies regarding City vehicle use after he had indicated that there were informal guidelines within each department.

## Ward 7 – Alderman Hamilton

He noted that talks with Marietta are ongoing. Police Lt. Geison had a meeting with them on June 25 along with representatives of some trucking firms, regarding which routes are to be used to enter and leave the City. Lot attendants are going to be hired to regulate truck traffic. Hopefully, this will eliminate trucks sitting on Hubbard Street. Docking activity is also being restricted to 7:00 AM to 11:00 PM. Marietta is taking their efforts to being a good neighbor, very seriously and he thanked all those involved in this project.

In talking with his neighbors in the Ward, he found some issues coming up repeatedly. They're speeding cars on the side streets such as Hubbard, Crandall, Elm Streets and also feral cats. A man on Crandall Street told him that there are twenty (20) to thirty (30) cats in a half block radius and there is a resident feeding them. Barking dogs and dog owners who aren't picking up after their dogs, were also issues. After his Ward meeting at the East End Community Center, a train blocked several streets for thirty (30) minutes. He was concerned that this could be a safety issue. It seemed that the East End was cut off by this. At his last meeting, someone asked if the tax exempt properties such as the hospital and the County Motor Vehicle Department shared the tax loss with the City and County. It was also noted that Code enforcement wasn't always equal across the City. He attended the FEMA presentation regarding the revised flood zone maps. He didn't see any changes regarding his Ward, but residents can contact him if they have concerns and he will give them the website address. He reviewed the Center for Governmental Research Study for consolidation and shared services and he hoped that these were looked at soon.

## Ward 8 – Alderman Michales

He also attended the FEMA session. He also attended the Board of Directors Service Awards Committee Meeting on June 19. He also participated in the Relay for Life. His team raised over \$5,000. He also attended Senator Seward's press conference. Even though some of the concerns regarding the floodplain didn't affect his Ward, there are some concerns and questions regarding properties near the river.

**RESOLUTION #73 OF 2008** – Consideration of an amendment to the Resolution adopted on May 6, 2008 to state in the license and application that no candy tobacco products may be sold, used or shown at all City of Cortland sponsored events and that any violation will result in immediate revocation of their license and a prohibition of no more than two (2) years from obtaining another license.

Alderman VanGorder announced that Corporation Counsel Knickerbocker wanted to report further on this. He noted that rather than amending the Code and putting in a fine, that they consider making some minor changes to the Dairy Parade License and License Application and the Letter to the applicants and what the consequences were for violating these. He also noted that there should also be some appeal process put

into place. He thought that this would be the best way. Alderman Benedict thought that perhaps vendors would prefer to pay a fine, rather than be banned from the event and this was something to hold them back from doing that. Corporation Counsel Knickerbocker noted that they would have to decide what department should be charged with the enforcement of this.

By: Alderman Benedict  
Seconded: Alderman Feiszli

Approved: Ayes – 8  
Nays – 0

Alderman VanGorder passed around a Thank You note from the Youth Bureau regarding the work done on behalf of this resolution.

**RESOLUTION #74 OF 2008** – Consideration of a Resolution approving the contract for the Pendleton Street sidewalk project which was bonded for in previous years.

Ken Teeter, Engineer, was present to describe the project. He noted that the project was to install sidewalks going from the tracks on Pendleton Street and going up towards the intersection at Northcliff. During the development of the project, it was noticed that the condition of the sidewalk on Northcliff was not in good shape with very limited curb. There was a base bid on the initial project, which was Pendleton Street, including just the radius of the intersection of Northcliff and as an alternative, included work on Northcliff. This was because the Housing Authority offered that if, in fact, the base bid was in a reasonable range, that they would pay for that. Bids were received on June 16 and the low bidder, which the Housing Authority was happy to see was in the range of their budget, was able to be awarded the entire project. It will now be from Pendleton all the way to the entry drive to the housing project. It will be cut back and sloped to improve visibility. It was noted that six (6) bids were received.

By: Alderman Quail  
Seconded: Alderman Michales

Approved: Ayes – 8  
Nays – 0

Item No. 3 – Discussion regarding the proposed Rental Permit Law

Alderman Tobin noted that if someone had some information that they would like to have discussed with Mr. Cheney tomorrow, that they would be meeting with him. He thanked everyone who had contributed information on this. The meeting will be at 5:00 PM at the Blue Frog. Alderman VanGorder stated that she is against the square footage. This item will remain on the agenda until such time as it becomes a resolution.

Item No. 4 – Discussion regarding handicapped parking at the YWCA (Susan Feiszli).

Alderman Feiszli noted that there didn't appear to be enough research done on this topic. She has spoken with Public Safety, the YWCA, Access to Independence and the City Police Department and basically, it boils down to that the parking in front of the Y doesn't meet standards for handicapped accessibility and could pose a danger for a handicapped individual and could pose a liability to the City if the City called that area handicapped parking. The Y is currently going through a capital campaign and will be repaving their lot adjacent to the Y and Access to Independence will work with them and designate space for acceptable handicapped parking spots. The other issue was the request to change twelve (12) minute parking into two (2) hour parking because many people park over there for extended periods of time. She contacted Chief Nichols and asked that the parking enforcement be beefed up in that area.

**RESOLUTION #75 OF 2008** – Consideration of a Resolution confirming the Public Safety Commission's decision to deny the request to change the 12-minute parking area of Clayton Avenue to 2 hours; and further denying a request for a handicap parking space in front of the YWCA.

BY: Alderman Dye  
Seconded: Alderman Hamilton

Approved: Ayes – 8  
Nays – 0

Item No. 5 – Discussion regarding consolidation/merger (Brian Tobin).

Alderman Tobin noted that the report has been out since the middle of April and now is a good time to start the discussion. There isn't enough time to go into every detail, but it's a good time to decide if this was something that should be pursued. Director of Administration and Finance Andrew J. Damiano noted that this is not a new concept. He and past Mayor Ronald Walsh worked on it when Mayor Walsh was in office. The bottom line on this was that it has to become economically feasible for both parties. We could discuss ideas here that would be good for the City, but if Cortlandville was not on board, consolidation could not be a forced issue. He noted that before the Council does anything as a Council, they needed to touch base with Cortlandville and the Cortlandville Fire District. One of the highlights of the report was fire service and the Fire District is a separate entity from the Town of Cortlandville. This is a complicated mess, quite frankly. A number of parties have to be involved in this kind of discussion. Some more recent history, is that two or three years ago when the City was in discussion with the County regarding sales tax sharing; the City and Cortlandville were working closely together to try to get a fairer share of the sales tax revenue. Mr. Tupper (Cortlandville) and Mayor Gallagher and myself entered into a very, very lively discussion of consolidations and even mergers. That prompted the City to contact Marty Mack when he was appointed by former Gov. Spitzer to that post that would promote these kinds of programs. A direct contact was made after numerous meetings and he sent the appropriate personnel in to do the study. This study didn't fall from the

sky. The reality is that this is something we have been looking at for over fifteen (15) years. Unfortunately, if you noted in the newspaper article about this, the Cortlandville response was very negative. It is very difficult to talk consolidation if the other parties don't want it. He noted that the fire district would be totally separate. The other consideration would simply be the consolidation of specific services currently provided by the municipalities in an effort to save money or to improve productivity. The fourth question is how you go about doing this. Alderman VanGorder noted that they've already started, with the Youth Bureau working with Cortlandville. Director of Administration and Finance Damiano noted that there have been other cooperative projects involving area townships. The City has historically demonstrated a willingness to enter into these types of agreements and continues to do so. He also complimented Mr. Tupper and Mr. Testa for the interest they have shown in pursuing such projects. Past Mayor Walsh spoke in favor of efforts for consolidation and urged them to look at the long term picture.

Alderman VanGorder noted that Alderman Tobin's idea of a committee approach to working on ideas like this has been a positive and she wondered if a committee could be formed to look into this and meet with Cortlandville, the Fire District and the County. Director of Administration and Finance Damiano suggested they identify a doable pilot project to get started on so as not to get bogged down. This way they could pursue the project, prove to the public that it's worthwhile and then possibly it will enable the City to move on to bigger and better items. There's always the fear that someone is not going to benefit equally from such a project.

Alderman Feiszli noted that the County had been talking about a new jail, but maybe that was something that could be looked into. Alderman Tobin noted that his intent in putting this item on the agenda, was to start the discussion going. He thought it should be known what benefits we could provide as well as receive. He thought the big picture should be watched at all times, even while working on a small project. He also thought that McGraw and Homer should also be invited to participate in this. Alderman Dye would get started on this and take the lead. Alderman Hamilton and Alderman Tobin also would like to join the committee.

**RESOLUTION #76 OF 2008** – Consideration of the confirmation of the appointment of Jeff Gambetta to the Planning Commission to complete the unexpired term of Wes Pettee (Until January 31, 2010).

Alderman Benedict asked if Mr. Gambetta was representing Thoma Development. Director of Administration and Finance Damiano indicated that he did not represent them. Alderman Benedict asked if Mr. Gambetta had any background in this. Director of Administration and Finance Damiano indicated that he was a local citizen. Alderman Feiszli noted she was unable to find him in the phone book and when Nancy Hansen was contacted about him, she knew very little. Alderman Benedict asked if Mr. Gambetta was the Planning Commission's recommendation. Alderman Feiszli noted that the Chairman didn't know him.

By: Alderman Tobin  
Seconded: Alderman Feiszli

Not Approved: Ayes – 4  
Nays – 4 (Benedict, Tobin, Hamilton, Feiszli)

Item No. 7 – Discussion regarding the Special Election (Larry Knickerbocker).

Corporation Counsel Knickerbocker noted that there wasn't much to discuss. The election was not being held and the 7<sup>th</sup> Ward Alderman position would be filled in the general election held in November. Alderman Benedict felt that if a special meeting was called, perhaps they could've done it by July 1. Alderman Quail noted that a total of four (4) letters were sent and there was confusion regarding date certain. He noted the letter of April 17, stated on or about and they didn't find out until June 1, that that was the hold up and that couldn't be resolved in a timely manner. Alderman Benedict still felt that it could've been resolved if the Mayor had called a special meeting, but noted it was sometimes difficult to do. Alderman Tobin noted that he was dismayed to learn of this from reading the paper and nothing had come back to the Council regarding this. He felt that many on the Council were disappointed and didn't understand where the problem occurred and why it wasn't communicated to the Council if there was a problem. Alderman Quail didn't feel the problem was with the Mayor, but with the letter that was sent April 17, that he felt clearly specified a date. He noted that this went six (6) weeks. He felt that some members could talk about the communication from the Mayor, but he felt the question was with the process.

It was asked if the Council was legally responsible for canceling the election. Corporation Counsel Knickerbocker didn't feel that anybody would have standing to sue. Alderman Benedict hoped that next time there would be better communication. There was discussion regarding the use of a range of dates. Alderman Michales felt that six (6) weeks was enough time to act upon this if this had been brought to the Council. Alderman Feiszli felt that the Council could learn from its mistakes. Alderman VanGorder felt that the Council had acted in good faith and they didn't get paid to run elections. Elections were not the Council's responsibility. Alderman Hamilton felt that the voters in the 7<sup>th</sup> Ward should receive an apology from someone regarding this.

Item No. 8 – Discussion regarding FEMA Flood Zone Maps (Alderman Feiszli)

Alderman Feiszli noted that the maps were given to the City about six (6) weeks ago. She stated that last week was the first meeting with the FEMA representatives to go over them. It was noted that the new maps were very difficult to read because of aerial photography and streets and houses were not marked. Alderman Feiszli spoke with Dan Dineen of County Planning and asked if they were able to do an overlay with the existing house numbers and streets and would show the difference between existing flood zone areas and proposed. Mr. Dineen said he would do that for the City. She then contacted FEMA.

She noted that this would be more user friendly whether the City adopted the new maps or not. She noted that there was a ninety (90) day period that begins after the second public notice is given for anyone to register an appeal to the local community. She believes that because these maps are so difficult to understand, that many don't realize whether they are affected or not. It was noted that there were areas between Otter and Dry Creeks that had never been included before. These maps can now be posted to increase public awareness. Some people would have to have their property resurveyed in order to prove that these maps are wrong and they can't afford that. Soil and Water has agreed to do and already started to review these maps. Alderman Feiszli also has spoken to a couple of realtors about the impact on homeowners and Jim Place to come up with any claims. She is going to fight this. Alderman Benedict noted that one of his constituents told him that over a thirty (30) year mortgage, flood insurance could add \$16,000 to their cost. It was noted that flood insurance was mandatory to obtain a bank mortgage if your property was in the flood zone and also to build an addition. This also affects the sale of a house. She asked the Council for feedback. She noted that the ninety (90) days began after the second public notice. It was noted that the six (6) month period doesn't begin until all the appeals are settled. It also was noted that if the Council did not approve the maps in the end, that no one would be entitled to flood insurance. Then if the didn't approve the maps for a specific reason, then the Council would begin an appeal, but once all appeals were settled, the Council had to approve the maps. It was noted that the map was plus or minus two (2) feet. It was noted that a work session should be scheduled to get some engineers in and to some advice. It was also noted that there had been no public notice filed yet. Amy Bertini would be notified as she was the Flood Control Officer. Alderman Feiszli noted that they should ask County Planning to make some more of the new maps, as they were more user friendly. Then she would take this on as her project. It was noted that it would be discussed at the joint Ward meeting and a report would be presented at the next Council meeting. It was noted that since 1978, the City had received one hundred nineteen (119) claims totaling five hundred thirty thousand (\$530,000) which amounted to less than \$5,000 a claim.

#### Item No. 9 – Discussion of Code Revision (Alderman Benedict)

Corporation Counsel was unsure of what Alderman Benedict was looking for. Alderman Benedict noted that in his revised code document in chapter 9, that no more than one (1) principal building was permitted on a lot in a residential district. He thought that after talking with a Planning Commission member, who noted that a landowner or developer could get around that part of the ordinance, by attaching the building. That's when he decided to add that an addition could not be bigger than twenty-five percent or four hundred (400) square feet, or something. Director of Administration and Finance Damiano asked how principal building was defined in the definition section of the Code. Alderman Benedict noted that it included any residential district and includes one (1) through four (4). Corporation Counsel Knickerbocker noted that was his question and he asked if this was dealing with solely habitable space. Alderman Benedict noted that he felt that a garage would have an exemption. Alderman VanGorder asked for the definition of habitable space. Corporation Counsel Knickerbocker felt that was a

specific definition in the New York State Residential Code. He also noted that in the proposal that he had received, it noted no additions larger than twenty (20) percent of the original structure. Alderman Benedict noted that he was willing to amend that to say, four hundred (400) square feet or something, so that it would not prevent someone from adding on a special room for a family member. He thought that four hundred (400) square feet would be enough. He is trying to prevent giant buildings being built upon the hill where they don't fit in with the residential area. Corporation Counsel Knickerbocker noted they would have to meet the bulk or area requirements and requirements for lot coverage. Alderman Feiszli stated that the issue goes back to density. Corporation Counsel Knickerbocker agreed, that the zoning here is a hodge podge that developed over time. He gave some history regarding the beginnings of student housing. Now things have evolved. Alderman Feiszli asked about rezoning some areas. Corporation Counsel Knickerbocker noted that the Master Plan was going to try to deal with rezoning, but there would still be some non-conformings remaining and it would have to be decided as to how to deal with those. He felt it would be best dealt with under the comprehensive plan. Alderman Benedict stated that he was concerned about right now and the possibility of two (2) or three (3) big apartment buildings being built on the hill or in his neighborhood and that's what he's concerned about. He feels that if we wait until we get the codes back from Cheney and Blair and finally adopt them, it might be too late. Corporation Counsel Knickerbocker noted that the size of the lot precluded what size building could be built.

Alderman Tobin noted that the Master Plan Committee could take the initiative on that. Alderman Feiszli noted that was a good idea and she understood Alderman Benedict's frustration at the code revision process. She had felt the need for a deadline for enactment was important. She felt that the Planning Commission should be held accountable and wants to know what they have done to help this process. It was noted that it was not the Planning Commission, but an adhoc committee that had put this together and she wanted an update.

Alderman Benedict asked for a resolution to tell Cheney and Blair that they wanted the code quickly and that the Council is tired of waiting. Alderman Tobin suggested that someone should go to a meeting of the adhoc committee and ask them to explain where they are in the process. Corporation Counsel Knickerbocker noted that at a meeting in the fall, there were some issues that were brought up that were not in the initial draft or in the initial code, such as planned development districts, differential and signage, potential windpower, etc. They were trying to make a forward looking document instead of adopting a document and then within six (6) months trying to patch it up. He understood the Council's frustration, but he, too, is anxious to get something, but he would like to get a document that is enforceable. They should ask Cheney and Blair for a status report at the meeting tomorrow. The sooner you can get a hold of the document to begin working on it, the better. He noted that Cheney and Blair have not billed the City in four (4) months, but he noted that they had been working. The Council asked Corporation Counsel Knickerbocker to find out how much the City owed Cheney and Blair. He also noted that they have been fair with the City in the past.

Ann Doyle noted that she sat in on a lot of the adhoc meetings and stated that her understanding was that Cheney and Blair were reviewing what the committee had written and determine if it was legal or not legal. Corporation Counsel Knickerbocker indicated that the way the code was set up, it was extremely difficult to understand, it needed to be revamped, recodified and that it needed to have such things as planned development districts as a planning tool, windpower, signage, etc. I think he wants to send us a balanced document not something that's going to be prohibitive in certain instances, that once they ask for public input they might have to throw the whole thing out. Cheney and Blair have been in touch with the Zoning Office. She noted that the documents were sent out four (4) or more months ago.

It was noted that an email was received from Linda Hartsock, that there's a housing coalition in Syracuse that wants to come to Cortland to meet the Council. They're doing an extraordinary job of revitalizing neighborhoods in Syracuse.

### **Adjournment**

By: Alderman Quail  
Seconded: Alderman Feiszli

Approved: Ayes - 8  
Nays - 0

**I, JOHN O. REAGAN, CITY CLERK OF THE CITY OF CORTLAND, NEW YORK DO HEREBY CERTIFY THAT SAID RESOLUTIONS WERE ADOPTED AT A REGULAR MEETING OF THE COMMON COUNCIL OF THE CITY OF CORTLAND, HELD ON THE 1st DAY OF JULY 2008. I FURTHER CERTIFY THE FOREGOING RESOLUTIONS WERE PRESENTED TO THE MAYOR IN THE TIME REQUIRED.**

\_\_\_\_\_  
**JOHN O. REAGAN – CITY CLERK**

\_\_\_\_\_  
**MAYOR THOMAS GALLAGHER**